

COUNTY COMMISSION ORDER NUMBER: 2024-10-01.2

**IN THE COUNTY COMMISSION OF CALDWELL COUNTY, MISSOURI**

AN ORDER AMENDING SECTION XI OF THE CALDWELL COUNTY ZONING ORDINANCE TO REGULATE ADULT BUSINESSES AND ADULT USE.

WHEREAS, the Caldwell County Planning and Zoning Board proposed an amendment to Section 11 of the Caldwell County Zoning Ordinance to regulate Adult Businesses and Adult Uses, as the Board considered such an amendment to be in the best interest of the citizens of Caldwell County, Missouri.

WHEREAS, notice was published in the Caldwell County News on August 27<sup>th</sup>, 2024 setting forth of a public meeting of the Caldwell County Planning and Zoning Board to be held on September 12<sup>th</sup>, 2024 to discuss and consider approval or denial of a recommendation to the Caldwell County Commission to adopt such an Ordinance; and

WHEREAS, a public hearing was held before the Caldwell County Planning and Zoning Board on September 12<sup>th</sup>, 2024 regarding said Ordinance; and

WHEREAS; the Caldwell County Planning and Zoning Board, with a quorum present voted in favor and recommended that the Caldwell County approve and adopt the proposed amendment to Section 11 and the Caldwell County Zoning Ordinance; and

WHEREAS; the Caldwell County Commission find that it is the best interest of the citizens of Caldwell County to adopt the proposed Amendment to Section 11 of the Caldwell County Zoning Ordinance as recommended by the Caldwell County Planning and Zoning Board.

NOW, THEREFORE, it is hereby ordered by the Caldwell County Commission as follows:

Section 1. APPROVAL OF THE AMENDMENT. The Commission hereby amends Section 11 of the Caldwell County Zoning Ordinance in accordance with the language approved and recommended by the Caldwell County Planning and Zoning Board after public notice and public hearing such that Section 11 of the Caldwell County Zoning Ordinance shall read as follows:

Caldwell County Zoning Ordinance;

## Section XI

### ADULT BUSINESSES AND ADULT USES

#### 11.6. Adult Businesses and Adult Uses

*Purpose and Findings: the purpose of this Section is to provide standards to regulate the time, place and manner of the operation of adult use facilities in order to minimize the negative secondary effects associated with such facilities. The specific purposes of this Section are to:*

1. *Establish reasonable and uniform regulations that will reduce possible adverse secondary effects that adult uses may have upon the residents of the County and preserve the integrity of existing commercial areas of the County and of schools, churches and residential areas which are in close proximity to such commercial areas.*
2. *To protect the rights conferred by the United States Constitution to adult uses in a manner that ensures the continued and orderly development of property within the County and diminishes those undesirable negative secondary effects that recognized studies have shown to be associated with the development and operation of adult uses.*
3. *To serve a legitimate governmental interest of reducing possible secondary adverse effects, while allowing for alternative means of communication and free expression.*
4. *To promote the health, safety and welfare of the County.*

##### 1. **Definitions.**

In addition to the definitions contained in Section 3, the following words and phrases are defined below for the purposes of this Section. If any of these definitions conflict with Article 11, these definitions shall prevail:

##### **Adult Arcade:**

Any business establishment or concern to which the public is permitted or invited and where coin or slug operated or electronically, electrically or mechanically controlled amusement devices, still or motion picture machines, projectors, videos or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are considered "adult material" as defined by this Section.

##### **Adult Bookstore:**

An establishment having as a substantial or significant portion of its stock in trade adult material, or an establishment with a segment or section devoted to the sale or display of such material.

- (1) An establishment shall be deemed to have a "substantial or significant portion of its stock in trade" at least twenty percent (20%) of the stock of the business or twenty percent (20%) of the floor area that houses the adult business

is adult material. However, if the adult business is housed in a building or structure that includes more than one business, then the "floor area" shall mean and refer to only that portion of the building which is leased or otherwise demised to the adult business.

(2) An establishment shall also be deemed to have a "substantial or significant portion of its stock in trade" if at least twenty percent (20%) of the gross receipts of the business or use are derived from the sale of "adult material" (as defined below).

**Adult Business or Adult Use:**

(1) Any business establishment or concern which as a regular and substantial course of conduct operates as an adult bookstore, adult theater, adult arcade, adult cabaret or adult nightclub, figure modeling studio, adult dance studio, adult entertainment studio, erotic dance studio, adult hotel, or massage establishment; or

(2) Any business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes adult oriented merchandise or sexually oriented merchandise, or which offers to its patrons "adult materials" or other products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical parts."

**Adult Cabaret or Adult Nightclub:**

A business establishment or concern which features live performances by dancers or similar entertainers in the nude.

**Adult Dance Studio:**

Any business establishment or concern which provides for members of the public a partner for dance where the partner appears nude, or where the dance is distinguished or characterized by the emphasis on matter depicting, or describing or relating to "specified sexual activities" or "specified anatomical areas."

**Adult Entertainment Studio:**

Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises, wherein an entertainer provides entertainment to a member of the public, a patron or a member, when such entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An adult entertainment studio includes, without being limited to, any premises that is physically arranged and used as such, whether advertised or represented as an entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. Adult entertainment studio shall not include theaters, concert halls, or similar establishments where entertainment is performed for groups of four or

more.

**Adult Hotel:**

A hotel which is used for presenting on a regular and substantial basis "material" which is distinguished or characterized by the emphasis on matter depicting or describing or relating to "specified sexual activities" or "specified anatomical areas" through closed circuit or cable television or through video tape recorder where video tapes are provided by the hotel/motel. For purposes of this subsection, a "Hotel" means any building or other structure which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay primarily to transient guests and in which four or more rooms are used for the accommodation of such guests, regardless of whether such building or structure is designated as a motel, cabin camp, tourist cabin, or other type of lodging unit. Evidence that a sleeping room in a hotel has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult hotel as that term is defined in this Section.

**Adult Oriented Merchandise:**

Sexually oriented implements, paraphernalia, or novelty items, such as, but not limited to: dildos, auto sucks, sexually-oriented vibrators, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vagina, and similar sexually-oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

**Adult Material:**

A material that is distinguished or characterized by their emphasis on matter which is distinguished or characterized by its emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."

**Adult Theater:**

A theater or other commercial establishment with or without a stage or proscenium which is used for presenting, on a regular and substantial basis, "material" which is distinguished or characterized by an emphasis on matter depicting, or describing, or relating to "specified sexual activities" or "specified anatomical areas."

**Adult Use:**

See "Adult Business," above.

**Arcade Booth:**

Any enclosed or partially enclosed portion of an establishment in which an adult arcade is located, or where a live performance is presented, on a regular or

substantial basis, where the material presented is distinguished or characterized by an emphasis on matter depicting, or describing, or relating to “specified sexual activities” or “specified anatomical areas.”

**Commercial Zoning District:**

Any property within the County that is zoned “C-1” (Highway and Convenience Commercial District) on the County’s official zoning map.

**Dancer:**

A Performer who dances or otherwise performs for an erotic dance studio and who seeks to arouse or excite the patrons’ sexual desires.

**Employee:**

Any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult entertainment studio.

**Entertainer:**

Any person who provides entertainment within an adult entertainment studio as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

**Entertainment:**

Any exhibition, performance, display or dance of any type, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered for amusement.

**Erotic Dance Studio:**

A fixed place of business which emphasizes and seeks, through one or more dancers or performers, to arouse or excite the patron’s sexual desires.

**Figure Modeling Studio:**

Any establishment or business which provides for members of the public, the services of a live human model for the purpose of reproducing the human body, wholly or partially in the nude, by means of photograph, painting, sketching, drawing, or other pictorial form.

**Industrial Zoning District:**

Any property within the County that is zoned “I-1” (Industry District) on the County’s official zoning.

**Massage Establishment:**

Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital,

nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition shall also exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages. For purposes of this Section, a "massage establishment" shall not include the following:

- (1) Establishments which routinely provide massage services by a licensed physician, a licensed chiropractor, a licensed massage therapist, a licensed osteopath, a licensed practical nurse or a registered professional nurse.
- (2) Electrolysis treatment by a licensed operator of electrolysis equipment.
- (3) Continuing instruction in martial or performing arts or in organized athletic activities.
- (4) Hospitals, nursing homes, medical clinics or medical offices.
- (5) Barbershops or beauty parlors which offer massage to the scalp, the face, the neck, or shoulders only.

**Massage:**

Any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or appliance, with or without such supplementary aids as rubbing alcohol or oils.

**Masseur or Masseuse:**

A "masseur" means a male person, and a "masseuse" means a female person, who practices massage.

**Material:**

Relative to adult businesses, "material" shall mean and include, but not be limited to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, or electronically generated images or devices including computer software, or any combination thereof.

**Nude:**

Any state of undress in which the whole or part of any human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered.

**Obscene:**

Any material or performance is obscene if the average person applying

contemporary community standards would find that such material or performance, taken as a whole, appeals to the prurient interest; that the material or performance has patently offensive representations or descriptions of ultimate sexual acts, normal or perverted; and that the material or performance, taken as a whole, lacks serious literary, educational, artistic, political or scientific value.

**Operator:**

Any person, partnership, or corporation operating, conducting or maintaining an adult use or adult business as defined in this Section.

**Park:**

Any public or private land designated and reserved for public recreational use by a public agency or a private homeowners association.

**Patron:**

Any person who is a guest, member or customer on or in an adult business.

**Performer:**

Any person who is an employee or independent contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business and who seeks to arouse or excite the patrons' sexual desires.

**Person:**

Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, including any trustee, receiver, assignee, or other similar representative thereof.

**Religious Institution:**

A facility used primarily for religious assembly or worship and related religious activities.

**Residential Zone:**

Any property within the County which is designated as a "R" ( Residential District) or "RT-1" (Residential) in the County's official zoning map adopted pursuant to Sections 7 and 8 of the Caldwell County Zoning Ordinance.

**School:**

Any institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the Missouri State Board of Education or which is maintained pursuant to standards set by the Missouri State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school, but not including dancing schools, riding academies, or trade or vocational schools.

**Specified Anatomical Areas:**

“Specified Anatomical Areas” shall mean:

- (1) Less than completely and opaquely covered:
  - (a) human genitals, pubic region;
  - (b) buttock, or
  - (c) female breast below a point immediately above the top of the areola; or
- (2) Any device or covering, when exposed to view, which simulates the female breast below a point immediately above the top of the areola, human genitals, pubic region or buttock; or
- (3) Human or simulated male genitals in a discernible turgid state, even if completely and opaquely covered.

**Specified Sexual Activities:**

“Specified Sexual Activities” shall mean:

- (1) Human genitals in a state of sexual stimulation or arousal; and/or
- (2) Acts of human masturbation, sexual intercourse or arousal; and/or
- (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; and/or
- (4) Masochism, erotic or sexually-oriented torture, beating, or the infliction of pain; and/or
- (5) Human excretion, urination, menstruation, vaginal or anal irrigation; and/or
- (6) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**Tavern:**

any premises on which alcoholic or cereal malt beverages are sold or served for consumption on the premises pursuant to a license or permit issued by the State of Missouri, Caldwell County or any other political subdivision or agency of the State of Missouri.



## **2. Location Standards**

- (1)** Subject to the limitations of this Section, adult businesses may be located in any Highway Commercial or Industrial Zoning District of the County as herein defined.
- (2)** It is unlawful to establish any such adult business if the location is:
  - a.** Within a one-thousand (1,000) foot radius of a Residential Zone. The distance between a proposed use and a Residential Zone shall be measured from the nearest exterior wall of the facility housing the adult use or proposed adult use to the nearest property line included within the Residential Zone, measured along a straight line extended between the two points.
  - b.** Within a one-thousand (1,000) foot radius of any School or Park. The distance between the proposed use and a School or Park shall be measured from the nearest exterior wall of the facility housing the adult use or proposed adult use to the nearest property line of the school or park site, along a straight line extended between the two points.
  - c.** Within a one-thousand (1,000) foot radius of a Religious Institution. The distance between the adult use or proposed adult use and a religious institution shall be measured from the nearest exterior wall housing the adult use or proposed adult use along a straight line extended to the nearest exterior wall of the facility housing the Religious Institution.
  - d.** Within a one-thousand (1,000) foot radius of any other adult business. The distance between the adult use or proposed adult use and another adult business shall be measured from the nearest exterior wall housing the adult use or proposed adult use along a straight line extended to the nearest exterior wall of the facility housing the other adult business.
  - e.** Within a one-thousand (1,000) foot radius of any tavern. The distance between the adult use or proposed adult use and a tavern shall be measured from the nearest exterior wall housing the adult use or proposed adult use along a straight line extended to the nearest exterior wall of the facility housing the tavern.

## **3. Hours of Operation.**

- (1)** No adult use or adult business shall be open earlier than twelve o'clock (12:00) pm. or later than twelve o'clock (12:00) am. No adult use or adult

business shall be open on any Sunday. It is unlawful for any operator or employee of an adult business to allow such adult business to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 12:00 am. and 12:00 pm. of any day or on any Sunday.

- (2) All adult uses or adult businesses shall be open to inspection at all reasonable times by any law enforcement officer, the Zoning Administrator, or such other persons as the Zoning Administrator may designate in the normal course of his duties.

**4. Lighting Requirements.**

Any lights used for exterior illumination shall be diffused or directed away from adjoining properties and public streets.

**5. Signs.**

All adult uses or adult businesses shall comply with the following sign requirements in addition to the requirements of Section XV Article 15.3 of the Caldwell County Planning and Zoning Order.

- (1) No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk in front of the building. Neither the performance nor any photograph, drawing, sketch or other pictorial or graphic representation of a performance displaying any portion of the breasts below the top of the areola or any portion of the pubic hair, buttocks, genitals, and/or anus may be visible outside of the adult use or adult business.
- (2) Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A one square foot sign may be placed on the door to state hours of operation and admittance to adults only.

**6. Access Provision.**

The operator shall not permit any doors on the premises to be locked during business hours. The operator shall ensure that any room or area on the premises shall be readily accessible at all times and shall be open to view in its entirety for inspection by any law enforcement officer.

**7. Minors' Access.**

- (1) No employee, owner, operator, responsible managing employee, manager or permittee of an adult business shall allow any person below the age of eighteen (18) years upon the premises or within the confines of any adult business.

- (2) X rated movies. X rated movies or video tapes shall be restricted to persons over eighteen (18) years of age. If an establishment that is not otherwise prohibited from providing access to persons under 18 years of age sells, rents, or displays videos that have been rated "X" or rated "NC 17" by the motion picture rating industry ("MPAA"), or which have not been submitted to the MPAA for a rating, and which consist of images which are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas", said videos shall be located in a specific section of the establishment where persons under the age of eighteen (18) shall be prohibited and shall not be visible from outside the premises or from areas within the premises where persons under the age of eighteen (18) are allowed.
- (3) Other Adult Materials. Access to adult materials shall be restricted to persons over eighteen (18) years of age.

**8. Closed Booths.**

No one shall maintain any arcade booth or individual viewing area unless the entire interior of such premises wherein the picture or entertainment that is viewed is visible upon entering into such premises; and further, that the entire body of any viewing person is also visible immediately upon entrance to the premises without the assistance of mirrors or other viewing aids. No partially or fully enclosed booths/individual viewing area or partially or fully concealed booths/individual viewing area shall be maintained. No arcade booth shall be occupied by more than one patron at a time. No holes shall be permitted between arcade booths or individual viewing area.

**9. Required Notice.**

A sign at least 15" x 18" shall be conspicuously displayed in the common area of the premises, and shall read as follows:

THIS ADULT BUSINESS IS REGULATED BY THE  
CALDWELL COUNTY ZONING ORDINANCE.  
ENTERTAINERS ARE:

- (1) Not permitted to engage in any type of sexual conduct;
- (2) Not permitted to expose their sex organs;
- (3) Not permitted to demand or collect all or any portion of a fee for entertainment before its completion.

**10. Regulation of Viewing Areas.**

Every adult use or adult business shall be physically arranged in such manner that the entire interior portion of the booths, cubicles, rooms or stalls wherein entertainment is provided is visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes, or any other obstruction whatsoever. All viewing areas within the adult business shall be visible from a continuous and accessible main aisle in a public portion of the establishment, and shall not be obscured in any manner by any door, curtain, wall, two-way mirror or other device which would prohibit a person from seeing into the viewing area from the main aisle. A manager shall be stationed in the main aisle, or a video monitor shall be established at a location from which the inside of all of the viewing areas are visible at all times, in order to enforce all rules and regulations. All viewing areas shall be designed or operated to permit occupancy of either one (1) person only, or more than ten (10) persons. The operator shall be responsible for and shall provide that any room or area used for the purpose of adult entertainment shall be readily accessible at all times and shall be opened to view in its entirety for inspection by the Zoning Administrator or a law enforcement officer at all reasonable times. "Viewing area" shall mean any area in which a person views performances, pictures, movies, videos, or other presentations.

**11. Private Performances.**

Any area in which a private performance occurs shall:

- (1) Have a permanently open entrance way at least three (3) feet wide and at least six (6) feet high, which entrance way is not capable of being closed or partially closed by any curtain, door, or other partition which would be capable of wholly or partially obscuring any person situated in the area; and
- (2) Have a wall to wall, floor to ceiling partition of solid construction without any holes or openings, which partition may be completely or partially transparent, and which partition separates the employee from the person viewing the display.

**12. On Site Manager; Security Measures.**

No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on the operation of an adult business unless each and all of the following requirements are met:

- (1) All adult businesses shall have a person who shall be at least 18 years of age and shall be on the premises to act as manager at all times during which the business is open. The adult business shall register any and all individual(s) designated as the on-site manager with the Zoning Administrator by the owner to receive all complaints and be responsible for all violations taking place on the premises.

- (2) The adult business shall provide a security system that visually records and monitors all parking lot areas, or in the alternative, uniformed security guards to patrol and monitor the parking lot areas during all business hours. A sign indicating compliance with this provision shall be posted on the premises. The sign shall not exceed two (2) by three (3) feet and shall at a minimum be one (1) foot by one and a half feet.

**13. Clothing.**

All employees of adult businesses, other than performers while performing, shall, at a minimum while on or about the licensed premises, wear an opaque covering which covers their specified anatomical areas.

**14. Dancing and Performing.**

In order to reduce the opportunity for prostitution and narcotics transactions, to prevent patrons and dancers/performers from engaging in sexual fondling and caressing, and to reduce the likelihood of drug and sex transactions, the following additional regulations shall apply to the operation of any adult cabaret, adult dance studio, erotic dance studio, or figure modeling studio:

**(1) Separation Distances Between Entertainers and Patrons.**

No person shall perform live entertainment for patrons of an adult business except upon a permanently fixed stage or platform which is at least two (2) feet above the level of the floor, separated by a distance of at least ten (10) feet from the nearest area occupied by patrons and surrounded with a three (3) foot high barrier. No patron shall be permitted within six (6) feet of the stage while the stage is occupied by a performer.

**(2) Contact between Entertainers and Patrons Prohibited**

When patrons are present at the establishment, no dancer or performer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer. This prohibition does not extend to incidental touching. Patrons shall be advised of the separation and no touching requirements by signs placed on the barrier. If a patron disregards this requirement, employees of the establishment shall advise the patron of this requirement.

**(3) Tipping**

No patron shall directly pay or give any gratuity to a dancer or performer in conjunction with a performance. For purpose of this provision, 'directly pay or give' shall mean the placement of a gratuity by a patron on any portion of a dancer's or performer's person or clothing." No dancer or performer shall solicit any pay or gratuity from any patron.

**(4) Unlawful Sexual Acts**

No operator, entertainer, or employee shall permit to be performed, offer

to perform, or perform sexual intercourse or oral or anal copulation with a customer or manual or other contact stimulation of the genitalia of a customer. No operator, entertainer, or employee shall encourage or permit any person upon the premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person. No operator, entertainer, or employee shall be unclothed or in such attire, costume or clothing, so as to expose to view any portion of the sex organs of said operator, entertainer, or employee with the intent to arouse or gratify the sexual desires of the operator, entertainer, employee, or customer.

**15. Massage establishments.**

- (1) No owner, operator, responsible managing employee, manager, or licensee in charge of or in control of any massage establishment shall permit any person in any area within the massage establishment which is used in common by the patrons or which can be viewed by patrons from such an area (excluding bathrooms, dressing rooms, or any room utilized for dressing purposes), unless the person's specified anatomical areas are fully covered. In addition, no owner, operator, responsible managing employee, manager or licensee in charge of or in control of a massage establishment shall permit any person to be in any room with another person unless all persons' specified anatomical areas are fully covered.
- (2) No owner, operator, responsible managing employee, manager or licensee in charge of or in control of a massage establishment shall permit any masseur, masseuse, or employee to be on the premises of a massage establishment during its hours of operation while performing or available to perform any task or service associated with the operation of a massage business, and no masseur/masseuse or employee shall be on the premises of a massage establishment during its hours of operation while performing or available to perform any task or service associated with the operation of a massage business, unless the masseur/masseuse or employee is "fully covered." For purposes of this subsection, "fully covered" means a state of dress in which the covering shall be of an opaque material and shall be maintained in a clean and sanitary condition, and which extends from a point not to exceed four (4) inches above the center of the knee cap to the base of the neck.
- (3) No masseur/masseuse or employee, while performing any task or service associated with the massage business, shall be present in any room with another person unless the person's specified anatomical areas are fully covered.
- (4) Rooms in which massage is to be practiced or administered shall have at least fifty (50) square feet of clear floor area and shall maintain a light level of at least forty (40) foot candles as measured three (3) feet above the

floor. Such rooms shall be equipped with cabinets for the storage of clean linen and chemicals and approved receptacles for the storage of soiled linen. Such rooms shall contain a door incapable of being locked from the exterior or interior. Such door shall contain a transparent window pane no less than twelve (12) inches wide and twelve (12) inches long, such that an unobstructed view of the room is provided from a hallway or other common access area which is immediately adjacent to the room.

**16 Violations.**

Any person who violates any provision of this Article XI be subject to the provisions of Article XXIII of the Caldwell County Planning and Zoning Ordinance.


**17. Applicability to Other Regulations.**

The provisions of this Section are not intended to provide exclusive regulation of the regulated adult uses. Such uses shall comply with any and all applicable regulations imposed in other articles of the Caldwell County Planning and Zoning Ordinance, other County ordinances and state and federal law.

The Amendment to Section (11.6) dated September 11<sup>th</sup> 2024 was approved by the following;

Section 2. EFFECTIVE DATE. This Order shall be effective immediately upon passage by the County Commission.

Done this 12 day of September 2024

  
Zoning Board Chair

  
Presiding Commissioner

  
ATTEST: County Clerk

